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TRANSFER OF TECHNOLOGY, INCLUDING KNOW-HOW AND PATENTS

Draft resolution submitted by Brazil, Chile, India and Pakistan

The Conference

Reaffirming the recommendations contained in Annex A.IV.26 to the Final Act adopted at its first session;

Taking note with satisfaction of General Assembly resolutions 2082 (XX) and 2318 (XXII) adopting the World Plan of Action proposed by the Advisory Committee for the Application of Science and Technology to Development 1/;

Considering the related recommendations embodied in General Assembly resolution 2091 (XX) and Economic and Social Council resolution 1201 (XLII) on the transfer of technology to developing countries;

Taking note of the report of the Secretary-General of the United Nations 2/ on his progress in giving effect to these resolutions;

Taking note further of the report on "The transfer of technology to developing countries, with special reference to licensing and know-how agreements", 3/ prepared by a team of consultants at the request of the Secretary-General of UNCTAD;

Considering the role which patented and non-patented technological and managerial know-how can play in the social and economic development of developing countries;

Emphasizing the importance of international co-operation in the economic, scientific and technical fields in furthering technological progress in developing countries;

1/ Report of the Committee on its Third Session (E/4178)

2/ Document TD/37

3/ Document TD/28 and Supp.1

ND.68-2663

Recognizing the vital importance to developing countries of securing effective access to appropriate technology and of developing their own research and inventive capacity on a scale sufficient to permit these countries to participate fully in the process of creating modern technology;

Recognizing also the growing strain on the balance of payments of developing countries caused by payments for patented and non-patented technical know-how;

Recognizing further that every country has the right to exploit all forms of technology in the interest of the social and economic development of its people;

Recommends that:

I. The Trade and Development Board consider establishing a Committee on Science and Technology with the functions specified hereunder:

(i) to consider and devise ways and means by which technology and know-how can be transferred on reasonable terms from developed to developing countries;

(ii) to consider the adaptation of both technology and know-how to the development needs of developing countries;

(iii) to assist in the promotion of indigenous technology and know-how in developing countries through the strengthening of their research and development activities;

(iv) to promote the collection and exchange of information and experience on existing and new developments in science and technology;

(v) to study the effects of existing international legislation for the protection of industrial property on the economic development of developing countries;

(vi) to co-operate with other United Nations bodies and inter-governmental and non-governmental organizations in the promotion and application of science and technology to development;

II. The Committee on Science and Technology mentioned in paragraph I above should, in the exercise of its functions, keep under continuous review the implementation of the following recommendations:

A. Developed countries should encourage and assist the holders of patented and non-patented technology:

(i) to facilitate the transfer to developing countries of technology both patented and non-patented, including new technology, on reasonable terms;

(ii) to refrain from imposing in the transfer agreements any undue restrictions on exports by the developing countries of the resultant products;

(iii) to refrain from imposing such conditions on the supply of plant and machinery and on the transfer of technical processes as would retard the development of indigenous manufacture and technology;

(iv) to facilitate the outright purchase by developing countries of technology appropriate to the needs of their countries.

B. In accordance with the recommendations of the United Nations Advisory Committee on the Application of Science and Technology to Development, the United Nations and its specialized agencies should provide to the developing countries assistance in:

(i) setting up expeditiously "Technology Transfer Centres" on a national and regional basis;

(ii) drawing up model agreements for the transfer of technology;

(iii) acquiring the latest technology in such areas of critical social and economic importance as food, agriculture and public health;

(iv) acquiring and developing the peaceful application of nuclear energy in such fields as power generation, water desalination, civil engineering projects and exploration of minerals, gas and petroleum resources;

C. The Advisory Committee on the Application of Science and Technology to Development should expedite the completion of the pilot case studies in progress on arrangements between enterprises (public and private) for the transfer of technology to the developing countries;

D. Developing countries, with the assistance, as appropriate, of the developed countries and the United Nations and its specialised agencies, should:

(i) set up appropriate national and regional centres for providing guidance on the technology most suited to the needs of their enterprises;

(ii) whenever possible, purchase technology outright so as to ensure its availability to their enterprises;

(iii) jointly investigate and explore possibilities of outright purchase or licensing of imported technology and patented know-how for the common needs of their industrial development on a suitable participation basis;

(iv) associate their scientists and technologists from the earliest stages in the process of transfer of technology, so that technology is absorbed within indigenous research and development, and utilised in the most efficient and economic manner;

(v) exchange scientific and technical information and assist in the transfer inter se of tried out indigenous technology.

III. The UNDP

should give its full support to

(i) pre-investment activities concerning the transfer of technology, as enumerated above, and

(ii) technical assistance on specific requests from the governments of the developing countries.